The Court has reviewed Magistrate Judge Paul S. Grewal's Report and Recommendation		
("Report") to remand the instant case to state court for lack of jurisdiction. The Report was filed		
and served on July 18, 2014. See ECF No. 4. The time for objections has passed, and Defendants		
have not filed any. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court finds Magistrate		
Judge Grewal's Report accurate, comprehensive, and well-reasoned and concurs with the Report's		
conclusion that the case should be remanded. ECF No. 4 at 3. Accordingly, the Court adopts the		
Report in its entirety, and thus remands this case to the Monterey County Superior Court.		
On September 11, 2014, Federal National Mortgage Association ("Plaintiff") filed a motion		
to remand and for sanctions. ECF No. 6. The Court finds Plaintiff's motion suitable for decision		
without oral argument pursuant to Civil Local Rule 7-1(b) and hereby vacates the motion hearing		
set for December 18, 2014, at 1:30 p.m.		
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Case No.: 14-CV-03248		
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Federal National Mortgage Association v. Areguin

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	UNITED STATES D	
NORTHERN DISTRICT OF CALIFORNIA		
SAN JOSE DIVISION		
	FEDERAL NATIONAL MORTGAGE)ASSOCATION,)	Case No.: 14-CV-03248-LHK
	Plaintiff,) v.)	ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION THAT CASE BE
	OFELIA AREGUIN, et al.,	REMANDED, AND DENYING MOTION FOR SANCTIONS
I	Defendants.	

Having adopted Judge Grewal's Report as to the issue of whether the case should be remanded, the Court hereby denies Plaintiff's motion to remand as moot.

Regarding Plaintiff's sanctions request, Plaintiff requests that the Court sanction Defendants pursuant to Federal Rule of Civil Procedure 11 for filing "a frivolous notice of removal." Id. at 11. Plaintiff further contends that Defendants' notice of removal was an "abuse of Court processes to continue to have a free ride in her possession of the [subject property] and stall a lawful eviction action." Id. Defendants have not filed an opposition to Plaintiff's motion for sanctions.

Federal Rule of Civil Procedure 11 permits the imposition of any "appropriate sanction" on any party that makes a pleading, written motion, or other filing that is, inter alia, frivolous, legally unreasonable, or brought for an improper purpose. Fed. R. Civ. P. 11(c); Conn v. Borjorquez, 967 F.2d 1418, 1420 (9th Cir. 1992). "'In determining whether to award attorneys' fees in cases involving improper removal by a pro se defendant, courts accord significant weight to the defendant's lack of representation." Wells Fargo Bank, N.A. v. Lombera, No. 12-CV-03496-LHK, 2012 WL 4370362, at *2 (N.D. Cal. Sept. 24, 2012) (quoting Wells Fargo Bank, N.A. v. Hunt, No. C10–04965JCS, 2011 WL 445801 at *5 (N.D. Cal., Feb. 3, 2011)).

The Court declines to impose sanctions on Defendants. The Court accords Defendants, who are proceeding pro se, the benefit of the doubt that they did not realize their notice of removal was ultimately meritless. See Hunt, 2011 WL 445801, at *5. Moreover, according to Plaintiff this is the first notice of removal Defendants have filed in Plaintiff's unlawful detainer action. ECF No. 6, at 6-8. Defendants are hereby on notice that this Court lacks jurisdiction over Plaintiff's unlawful detainer action, and therefore a second notice of removal may be sanctionable. However, based on the record in this case and Defendants' pro se status, the Court hereby denies Plaintiff's motion for sanctions.

The case is hereby remanded to the Monterey County Superior Court.

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2 Case No.: 14-CV-03248 ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND DENYING MOTION FOR SANCTIONS

Dated: December 16, 2014

IT IS SO ORDERED.

LUCY H. Ket United States District Judge

Case No.: 14-CV-03248 ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND DENVING MOTION FOR SANCTIONS